

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI
BENCH AT AURANGABAD**

ORIGINAL APPLICATION NO. 444 OF 2024

(Subject:- Transfer)

DISTRICT:-CHH. SAMBHAJINAGAR

Sanjay S/o. Rajaram Kulkarni,)
Age: 54 years, Occu: presently working as)
Block Development Officer, Panchayat Samiti,))
Paithan, Taluka Paithan,)
District Chhatrapati Sambhajinagar.)
Mob. No. 9765953689.) **APPLICANT**

V E R S U S

- 1. The State of Maharashtra,**)
Through its Principal Secretary,)
Rural Development Department,)
3rd Floor, Bandhkam Bhava,)
25 Marzban Path, Fort, Mantralaya,)
Mumbai – 400001.)
- 2. The Chief Executive Officer,**)
Zilla Parishad, Chh. Sambhajinagar,)
District Chhatrapati Sambhajinagar.)
- 3. Shri. Atmaram Nimbaji Bondre,**)
Age: 43 years, Occu: Presently working)
As Project Director, Jaljeewan Mission,)
Zilla Parishad, Hingoli, District Hingoli.) **RESPONDENTS**

APPEARANCE : Shri A.B. Rajkar, learned counsel
for the applicant.

: Shri D.M. Hange, learned Presenting
Officer for the respondent authorities.

: Shri V.B. Wagh, learned counsel for
respondent No.3.

: Shri Dipak Rajput, learned counsel for
respondent No.2, is **absent**.

CORAM : Hon'ble Justice Shri V.K. Jadhav, Member (J)

DATE : 08.05.2024.

ORAL - ORDER

Heard Shri A.B. Rajkar, learned counsel for the applicant, Shri D.M. Hange, learned Presenting Officer for the respondent authorities and Shri V.B. Wagh, learned counsel for respondent No.3 finally with consent at admission stage.

2. Learned counsel for the applicant submits affidavit in rejoinder. The same is taken on record and copies thereof are given to other sides.

3. This is about the transfer of the applicant in terms of directives issued by the Election Commission of India by way of communication dated 21.12.2023.

4. The applicant is working as a Block Development Officer, Panchayat Samiti, Paithan, Dist. Chh. Sambhajanagar. By way of impugned order dated 23.02.2024, the applicant came to be transferred from the post of Block Development Officer, Panchayat Samiti, Paithan

to the post of Project Director, Jaljeewan Mission, Zilla Parishad, Hingoli. Hence, this Original Application.

5. Learned counsel for the applicant submits that the applicant was working as Block Development Officer, Panchayat Samiti, Paithan and the Paithan comes in the Jalna Parliamentary Constituency. Learned counsel for the applicant submits that in view of same, even if the Chh. Sambhajinagar is the home district of the applicant, the directives issued by Election Commission of India by way of communication dated 21.12.2023 cannot be made applicable to the case of the applicant and in view of same, the Original Application deserves to be allowed.

6. Learned Presenting Officer submits that at the time of impugned order of transfer of the applicant the applicant was assigned with the duties of monitoring Modal Code of Conduct and also as Zonal Officer. Learned P.O. submits that the same has been considered by the Civil Services Board in the meeting held on 06.02.2024 and accordingly, recommended the transfer of the applicant as his home district is Chh. Sambhajinagar. The Civil Services Board has mainly considered the directives issued by the

Election Commission of India by way of communication dated 21.12.2023 and accordingly, made the said recommendation.

7. Learned Presenting Officer submits that in terms of paragraph No. 3 of the directives issued by Election Commission of India, **“no officer connected directly with elections shall be allowed to continue in the present district (revenue district) of posting.”**

8. Learned Presenting Officer submits that the wording is very clear and the word “present district” is qualified as “revenue district” of posting. In view of same, even if the applicant is assigned with the duties in Paithan which is the part of Jalna Parliamentary Constituency, in terms of paragraph No. 3 of the aforesaid directives of Election Commission of India by way of communication dated 21.12.2023, the applicant has been transferred to Hingoli. There is no substance in the Original Application and the same is liable to be dismissed.

9. Undisputedly, the home district of the applicant is Chh. Sambhajinagar and he is working as Block Development Officer, Panchayat Samiti, Paithan, revenue Dist. Chh.

Sambhajinagar. It is also not denied that the applicant is assigned with the election duties as monitoring Model Code of Conduct so also the Zonal Officer and in view of same, the applicant is directly connected with the elections.

10. The Election Commission of India has issued the directives by way of communication dated 21.12.2023 and paragraph No. 3 which is relevant for present discussion is reproduced hereinbelow:-

“3. Hence, the Commissioner has decided that no office connected directly with elections shall be allowed to continue in the present district (revenue district) of posting:-

- (i) if she/he is posted in her/his home district.**
- (ii) if she/he has completed three years in that district during last four (4) years or would be completing 3 years on or before 30th June, 2024**

While calculating the period of three years, promotion to a post within the district is to be counted.

11. Learned P.O. has rightly pointed out that in the aforesaid paragraph No. 3 of the said directives, the entire revenue district of posting is considered and since the other conditions particularly condition No. (i) of the said paragraph No.3 stands fulfilled and as the applicant is directly

connected with the elections, this Original Application is liable to be dismissed. Hence, the following order:-

ORDER

- (A) The Original Application is hereby dismissed.
- (B) In the circumstances, there shall be no order as to costs.
- (C) The Original Application is accordingly disposed of.

MEMBER (J)

Place:-Aurangabad

Date : 08.05.2024

SAS O.A. 444/2024(S.B.) Transfer